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No.94-1034

In the
SUPREME COURT OF THE UNITED STATES
October Term 1994

John Lucas, pro-se

Petitioner

v

Dr. Robert Hahn DrEd President
Dr. Vincent Crockenberg PhD Academic Dean
Stanley Carpenter. Esq.,Board of Ed
Paul Sutherland, Esq., regent
All of Johnson State College, Johnson, Vermont

On Petition for Writ of Certiorari
To The Vermont Supreme Court:Docket #94-015
Motion to Reargue Denied Aug 23, 1994

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI

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PETITIONER'S EXTRAORDINARY SUPPLEMENTARY BRIEF IN SUPPORT OF HIS PETITION FOR WRIT OF CERTIORARI, DOCKET # 94-1034

PREAMBLE I

This extraordinary supplementary brief and appendix are the result of the receipt of an anonymous, apparently unauthorized record, an electronic tape recording, of a meeting that occurred on 9 Apr 92.

The petitioner-teacher-student, here-after teacher-student, recognizes that this electronic record is less than perfect.The version which arrived by mail, at his home address, on 30 Dec 1994, has been , for reasons unknown, reduced to approximately 41 minutes. The recorded meeting, according to the

teacher-student's notes, lasted just over 70 minutes.

Until someone comes forward to explain this discrepancy, what is not on the tape is speculative.

However, what exists on this tape is not speculative, and is entirely consistent with the on-the-record accounts of the meeting, made by this teacher-student, before academic authorities, civil authorities and subsequently to the courts in Vermont.(Lamoille County Case File Exhibit: (Plaintiff's) Appendix XII, pg 56 #9 "...facts not in your possession...") are on the tape in several places, as are other events described in the case files.

PREAMBLE II

This extraordinary brief to the Court is the petitioner's explanation of the transcript of the taped material which

appears in the attached appendix.The conversations did not occur in a vacuum, but in context with the events which preceded and then immediately occurred after this meeting.

Two (2) days prior to this meeting, the teacher-student was removed from his field placement at Spaulding High School.No notice, oral or written, accompanied this action.The teacher-student, per the advice of Dr. Page, his College field supervisor, advice given the evening before the dismissal, left the high school with all incident, other than to ask for both oral and written reason for the removal,having been promised written notice, by high school supervisor Lussier, as a condition to obeying the principal's alleged "suspension" as activated by Lussier's statements.

Dr. Tilley is the personal academic advisor to teacher-student Lucas; Dr. Page is the assigned College supervisor for the "field experience".Dr. Carol Story is the Department Chair(woman) of the JSC Department of Education.Mr. Joe Maiola is the Chairman of the Spaulding High School Social Studies Department; Dr. Richard Wilgoren is the history teacher/placement supervisor (of Lucas) in whose class the "unusual grades" surfaced.Kay Patterson is the Principal of Spaulding High School; in 1988, she succeeded Wilgoren as the Principal for reasons unknown.Wilgoren was re-assigned to Maiola's Department.Lussier is, at this point, an untenured subordinate to both Wilgoren and Maiola, as well as the high school's senior supervisor of Lucas' "field experience", a co-ordinator of the four supervisors the high school provided this teacher student.

EXTRAORDINARY BRIEF

Referenced to transcript in attached Appendix to this Brief:

Page 3: The "8 Page Handwritten Report" is the teacher-student's report of activities at the placement site and the College from 27 Mar through 9 April 1992.This report was written in the early AM hours of 9 April 92, subsequent to Dr. Page's notice of the meeting received by phone at approximately 8:00 PM on 8 Apr 92.This "8 Page Report" will subsequently be reduced, after the meeting, to six (6) pages, with the "missing" pages 1 and 2 "restored" by 3 Sept 92 (Lamoille Superior Court: (Plaintiff's) Exhibit :Academic Prerogative, pg 32)

Page 4: The teacher-student testifies to the college officials that, having been denied access to avenues to pursue his

grievance, the cover-up phase of the "grading incident" has substantially begun.Relative to the records before the courts (Lamoille Superior Court: (Plaintiff's) Exhibit: All SHS (Spaulding High School) Records), which contains records compiled AFTER Sept 1993 , and the failure of high school investigations to issue any report regarding the "grading incident" (see below), the teacher-student's characterization of "cover-up" is historically correct.

Page 6: Dr. Page's query as to the right to assignment of grades begs Wilgoren's absence from the classroom for the entire marking period (see below).By default, the teacher-student assumes that professional grading must be based on substantive observation and marking of the students within the third quarter, and that as the "student" has conducted all of the grading for the

quarter, no other data exists to modify these measures.

Page 7: The "procedure manual" referred to is the SHS Curriculum Guide, a copy of which was given to the teacher-student at the beginning of the "field experience". JSCED Professor Tilley is, at this point, handed the only copy of the Curriculum Guide.The Curriculum Guide will be returned to SHS over the teacher-student's objections (Appendix XII, pg 54, reference Dean Whiting's 8 June 92 memo).

page 8: "...the only written document..." refers to the SHS Curriculum Guide.

Page 8 & 9: Reference to marking the "8 Page Handwritten Reports": NO : in regard to the note on page 3 of the "8 page report" asking if this very meeting is being recorded by Johnson State College, as the reports are marked (Vermont Supreme Court Exhibit #4, Page 3).

Page 22 & 23: "...facts not in your possession..."; per Preamble I, and as below, this obvious student deficit (facts you are ignorant of) is not remediated by Dr. Tilley, who clearly has these "damning facts" but is "...not in any position..." to disclose these "facts".These "facts" are before the Vermont Courts (Appendix XII,pg 50,pg 51 #6, pg 56 #9), and are still sought currently.Absent production of these "facts", the teacher-student is held deficient for information not in anybody's possession.

Page 26: Dr. Page's surprise at Wilgoren's request to write a written evaluation of her student-teacher contrasts with Respondent Crockenberg's assertion (Appendix to Writ of Certiorari, page 30, paragraph 1) that no written observations from high school supervisors exists.Certainly if the ex-principal of the high school had a

legitimate counter-grievance to file, he surely would have done so, having sought a form from his "student-teacher" prior to the "suspension" and "expulsion".

Page 27:Dr. Page admits that she was absent for the "grading incident" period.Dr. Story then condemns the student for his failure to seek her out in Page's absence, although almost in the same breath, Dr. Story states that she and Dr. Tilley were in contact, apparently not concerned that Dr. Page is uninformed.What information Dr. Story and Dr. Tilley shared, leading to Dr. Story's knowledge of "...what was going on..." is unknown, except for the fact that the teacher-student was, without supervision, attempting to file a grievance at the high school.

Page 28: Dr. Tilley's statement that the "school" had no indication, or warning, that the oral grievance had been in process for 10 calendar days, coincides

with Principal Paterson's ex-post facto "memo of suspension" dated the day after this hearing (Appendix to Writ, page 20).That Lussier has "gun-decked" the grievance is apparent (see below).The Principal's knowledge of the "incident" is entirely one-sided (op cit).The difficulty of pressing the complaint through the "Spaulding system" is detailed.

Page 29 &30:Lussier's inaction is detailed, as well as Page's ignorance that once published, the report card grades resultant of fabrications are the co-responsibility of the "apprentice" and the "Master Teacher", ex-principal Wilgoren.Claiming fraud in the process, the teacher-student files written protest notices the first school day post publication of the report cards, 6 Apr 92, with generic "mistake letters" to only the parents of the affected students.

Page 30: Notice that the teacher-student spoke to Dr. Tilley in lieu of Dr. Page on 30 Mar 92, 1 week prior to written complaint, as well as Lussier

Page 32: Dr.Page clearly admits to being absent, thus ignorant of the events surrounding the "grading incident".Dr. Tilley's account of his prescriptions for student-teacher action are disputed by the student-teacher.The teacher-student's claim that he has evidence of the grading fraud is completely ignored.

Page 35: The teacher-student clearly states that since no policies have been made known to him, no policy violation has occurred. Dr. Tilley sweeps this away with "universal-generic" process so well known as to preclude publication and oral notice.

Page 36:What is clearly not at issue, according to Dr. Tilley, is the teacher-student's clinical performance in the classroom.

Page 37: Again, the teacher-student states that he knows where the "19 phantom assignments" of Wilgoren came from Tilley's response blurs the fine line between license and licentiousness with a thick screen of authority granted by the Vermont License(s) held by Wilgoren. No such authority exists. Dr. Story's "...not necessarily..." reply is a direct statement that the education practice of changing the parameters of measure after the fact is "...his (Wilgoren's) discretion...".This equates with cancelling a grade arbitrarily after the fact, and is not standard educational practice.

Page 38: Dr. Tilley concurs with Dr. Story on the "secret experiment" with the "phantom assignments" and the impossible dilemma the teacher-student faces.Dr. Page's assertion that written communication between teachers and the parents of the teacher's charges is not

allowed without screening by some administrative authority denies one of the basic academic freedoms of teachers: the right to fairly, accurately and freely communicate to those directly concerned. No such official policy exists at Spaulding High (Lamoille Superior Court:(Plaintiff's) Exhibit: Academic Prerogative pg 23:Personal and Academic Freedom (of Barre NEA teachers) and pgs 18-22:Grievance Procedures (for Barre NEA teachers).

Page 41:Having admitted that he have had made an error in judgement, Dr. Tilley finally charges the teacher-student with "generic" insubordination, stating essentially that all adverse information regarding educational activities must remain inside the educational institution until all educators have had a chance to confer.Since Tilley refuses to identify to whom or to what the teacher-student is insubordinate, the charge is

synonymous with sedition to authority. (See Appendix to Writ pg 32: "...unwillingness to accept reasoned judgements of others in positions of authority.)

Page 42: "...the letta (per Dr. Page's Boston accent)..." went to the affected parents outside the school.That the parent's already knew,orally from their children, that the grades were "unusual", would, per Page's reasoning, subject the history students to discipline for stating that the "grading process" was "irregular".

Page 43: The teacher-student states specifically that his report circulated for at least a week before being reduced to written, formal complaint to College and High School supervisors.Dr. Page is unaware that Principal Paterson's knowledge of events comes from Supervisors Lussier and Wilgoren:the internal 10 April 92 "memo of

suspension" is addressed to Dr. Tilley, not Dr. Page, and is not even extant at this time.Wilgoren is the subject of the teacher-student's complaints.Lussier has held the oral grievances in his sole possession from their inception.

Page 43: "...going public..." is a serious pre-occupation with Dr. Tilley, who somehow equates Vermont Public Education with national security (see below)

Page 44:Dr. Tilley's assertion that grading is a "private matter" of licensed personnel is not born out by educational precedent, educational ethics codes or moral standards, nor by legal ruling.Tilley's statement that the organizational grading policies are actual individual policies is bunk. However, without such "authorities", the actions which the JSCED professors are to take immediately following this meeting are outside authority.

Teacher-student Lucas questions the use of measures of academic ability taken outside the grading period in question.It is apparent to Lucas that the "19 assignment" deficits do no occur in the 3rd quarter because Lucas has taught then entire period. These "phantoms" must be past measure, recycled in lieu of actual observances. Fixing student performance at any level based on "historic record" is abusive neglect of academic standards.

Page 45: "...the policy handbook here..." refers to the JSC Department of Education Student Teaching Handbook (Lamoille Superior Court: (Plaintiff's) Exhibit:JSCED Student Teaching Handbook 1991-92).This reference to the JSC "quasi-" Buckley Amendment forms the "...in part.." charge of "Violation of Confidentiality" (Appendix to Writ pg 18).This Pg 43 "interpretation" of the JSCED Student Teaching Handbook confers

absolute FEDERAL authority on the classroom teacher in the conduct of classroom activities.The total policy. as distinct from the "...in part..." policy, clearly states that the educational records of the students belongs primarily to the students and the parents of the students (Appendix to Writ pg 48-49).That some other "secret" "organizational code" operates at Spaulding High School is for the teacher-student to intuit, and then obey. The case file clearly demonstrates that once the Vermont Attorney General discovers this "organizational code", he brands this "code" illegal (Vermont Supreme Court: (Plaintiff's) Exhibit: #8). Page 46: The teacher-student's claim that he had exhausted oral process before filing written grievances is rebutted by Dr. Page's claim that not enough time had passed before the oral stage moved to written.Since Page was

absent from either campus, and thus could not have indicated what time period was sufficient to exhaust oral complaint, her statement here is self-serving.

Page 50, 51: The JSC authorities are totally lost when the teacher-student refers to his "8 Page Report", a report given to Tilley, Story and Page at the beginning of this meeting.The JSC professors have not read this report, and are at a loss to identify the report.

Page 51: Lucas clearly states "...where are they (the 19 phantom assignments)...?"The College is duty bound to discover them, for the "19 Assignments" have placed the teacher-student in this very meeting, and at great jeopardy.

Page 52 & 53: Dr. Tilley has, with some delight, discovered the unique "double bind" that the "19 phantom assignments" pose Tilley's graduate student.If Lucas

does not report the fraud, Tilley can ask about the outcome of Lucas' complaints.When Lucas says that nothing was done (assuming that no letters were ever written over the 19 assignments), Tilley can charge the student with failure to report.

Page 53:Finally, Tilley and Story acknowledge that the "19 assignments" will never be seen by anybody other than Lucas and Wilgoren.Tilley states that he (Wilgoren) may have substitute grades for an entire quarter during which Wilgoren was absent as the classroom teacher as well as absent while charged with supervision of a student-teacher who actually did the teaching.Clearly, Tilley and Story have substantial knowledge about the "19 assignments". Clearly, they are relying on secrecy to conceal their knowledge. As Tilley states:" Nobody else will (see the alleged deficiencies)!!!!"

Page 54:Dr. Story's ignorance of time and date correlations regarding the teacher-student's teaching of the entire marking period in question belies her earlier statement that she "...knew all about..." the facts of the matter.

Page 55: None the less, the teacher-student has no responsibility to the academic process to ensure accuracy and fairness in grading. In effect, a veiled charge of being "too responsible" or "over-responsible" is laid.The JSCED decision to expel the student from the program echoes this very sentiment (Appendix to Writ pg 18). The printed non-sequiturs (alleging that responsibility is a failure) are little more than the Freudian slips and projectional transferences of Tilley, Story and Page rushing to expel the teacher-student before anyone "outside" education begins to question the process.

Page 57: Again, alleging poor fact finding, Dr. Tilley goes on to characterize the "unauthorized" notices to the parents as "public information", and follows up with a charge that the teacher-student has contacted the 4th Estate regarding the controversy. That is emphatically denied.What a student-teacher would "normally know" is conjecture. That Lucas, and some of the history students subjected to the "19 assignments" appeared in a color photograph in the Barre Times Argus on 7 April 92, is fact. Any connection between this published photograph is a projectional fear that Lucas might take his issues to the press if no action is forthcoming. The photograph was taken on 3 Apr 92, three days before the oral grievance was converted to writing. Dr. Wilgoren receives positive attribution in the caption below the picture. The teacher-student does not control the use

of photographs by the Barre Times Argus.In fact, the photograph was published and on the presses before the teacher-student was told by Lussier to leave the building.

Page 59: Once more, the JSCED professors demonstrate that the teacher-student's "8 Page Report" is irrelevant to this hearing. They refuse to sign these documents as mere witnesses, and even begin to pass all of the reports back to the student.Dr. Tilley determines that at least one copy would be useful. Three complete copies are left in the room.

Page 60: Clearly, only the written complaints and notices to the parents finally prompt an "internal investigation" at Spaulding. Dr. Page knows something about an internal investigation, and on...

Page 60 & 61:...so does Dr. Tilley, who, having asked the principal (Paterson), is assured that they (the high school)

looking into the discrepancy, and states so.Whether this investigation continues into the next week, when evidence before the Vermont Supreme Court (Vermont Supreme Court: (Plaintiff's) Exhibit #5, pages 2 and 3) clearly shows that School Psychologist (nee home-school co-ordinator) Dennis Downs begins his investigation, or if Page and Tilley are aware of an independent (of Downs) investigation is unclear. No reports of any investigation have surfaced to date. Per Petitioner's Writ, Respondent Sutherland denied orally before the Vermont Supreme Court that any investigation had taken place. Page 61:The teacher-student is hopeful that the "internal investigation" will explain the "19 assignments".In less than 30 minutes from this point in time, the student will be expelled without recourse to appeal, other than the

"ersatz academic due process" now before the United States Supreme Court.

SUMMARY

As recorded, this meeting is no more than the quintessential "Star Chamber Interrogation" required to affirm secretly drawn "Bills of Attainder" and provide basis for the ex-post facto charges and decisions, decisions extant on the post-meeting 9 Apr 92 JSCED expulsion letter
(Plaintiffs Appendix XII pgs 13-14 through Appendix to Writ of Certiorari, pg 18-19).
Clearly, on 9 Apr 92, only the teacher-student has any factual information regarding the "19 assignments" and the process of reporting and protesting their usage to create report card grades.Just as clearly, Drs. Tilley, Story and Page have no information to counter the teacher-student's perceptions.

Clearly it is ironic that the teacher-student, protesting the use of non-extant evidences to create high school published grades, is being subjected, in this meeting, not only to a measure based on the "phantom assignments", but to additional sanctions based on "known procedures", "facts not in his possession" and "confidentiality requirements" no more real than the "19 assignments".

Clearly, this "reasoned authority" is based on a need to expel the complaining student, not to discover if there is any truth to the student's grievances prior to terminal action.

Clearly, secrecy, hidden requirements, unspoken internal codes, suppression of evidences and bureaucratic need have replaced reason, sanity and the search for the truth.

Clearly, the teacher-student was abandoned in the field by Tilley, Story and Page, and thus expendable.

Clearly, the issues of Constitutional protections of students in the classroom have been brushed aside.

Clearly, no notice of suspension has, by meeting time, reached the affected teacher-student.

Clearly, the statements in this meeting explain why procedures to keep this meeting "off the record" had to be constructed "ad hoc".

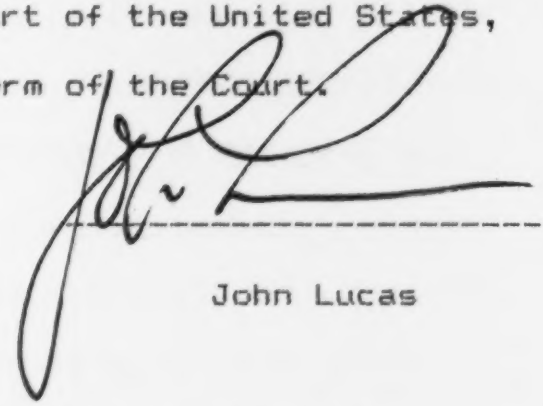
Clearly, this is the record of a meeting which re-established, behind closed doors, the absolute 19th century prerogative of teachers to mark based not on evidences or observation, but on the "belief" that students have succeeded or failed as subordinates to the authority at the front of the room.

Clearly, the authority granted under "Horowitz" does not extend this antiquated academic prerogative to scholars at the end of the 20th century. Clearly, this record substantively and clearly demonstrates that the scholastic authorities and the government have made great errors.

Clearly, academic does not equate to the process extant on this record.

Clearly, it is time to forever open the doors on scholastic process, least this abuse of power continue to suborn future teachers, and by association, their future students, and ultimately, the Republic..

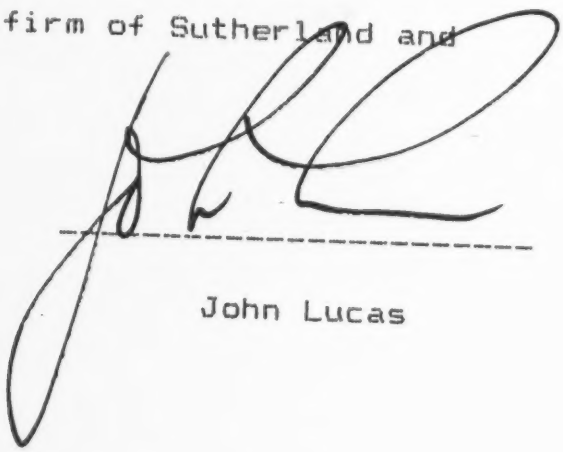
Signed this day, the 18TH of January,, 1995, in Morrisville, Vermont, of his free hand and deed,by the undersigned pro-se teacher-student, petitioner to the Supreme Court of the United States, October 1994 term of the Court.



John Lucas

I Hereby certify that on this date, the 19TH of January, 1995,the undersigned pro-se teacher-student, petitioner to the Supreme Court of the United States, October 1994 term of the Court, did deliver pursuant the statures,four (4) copies of this Supplementary Brief and Appendix to his Writ of Certiorari,plus an additional copy, five (5) in all, to Michael Harris,Esq., of the firm Sutherland and Collins, by 1st Class

Mail, United States Postal Service, Postage Pre-paid, to 112 Lake Street, P.O.Box 1623, Burlington, Vermont, 05402-1623, the official mailing ad-dress of the Agent of Record of the Defen-dants, the law firm of Sutherland and Collins, P.C.



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